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8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON

10 In re:

11 GERMAN WISE DENTAL LLC, DBA LOWER
12 COLUMBIA ORAL HEALTH,

13 Debtor.
14

Case No. 22-40773-BDL

Chapter 7 Bankruptcy

Noted for Consideration: 1/25/23

15 COMES NOW, CODY WHITE, ("Movant") by and through his attorney, MARGARET M.
16 STURM, and pursuant to 11 U.S.C. Sec 361, 362, 363 and Bankruptcy Rule 4001, moves the Court
17 for an Order for Relief from Automatic Stay imposed by 11 U.S.C. Sec 362 of the Bankruptcy
18 Code.

19 **I. JURISDICTION AND VENUE**

20 The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec 157 and 1334. This is a
21 core proceeding under 28 U.S.C. Sec 157(b)(2). The venue of this case and this Motion is proper
22 under 28 U.S.C. Sec 1408 and 1409.

23 **II. STANDING**

24 Movant has standing to bring this Motion as the holder of a claim for personal injuries against
25 German Wise Dental, LLC and therefore a creditor of German Wise Dental, LLC. Movant filed a

1 claim for personal injuries against Debtor in Cowlitz County Superior Court Cause No. 21-2-00927-
2 08 on December 20, 2021.

3 **III. FACTS**

4 1. On June 24, 2022, GERMAN WISE DENTAL, LLC ("Debtor") filed a Petition for Relief
5 under Chapter 7 of the Bankruptcy Code. Subsequent to the filing Donald A. Thacker was
6 appointed as Trustee. Upon filing his Petition for Relief, pursuant to Bankruptcy Chapter 7, an
7 Automatic Stay had the effect of staying Movant's action against debtor and Sam Wise.

8 2. Debtor has insurance coverage with a limit of \$2,000,000.00 available to compensate
9 Movant. Such insurance proceeds are not a part of the Bankruptcy Estate.

10 3. No other parties have an interest in the insurance proceeds.

11 4. Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. Sec 362(d)(1) and
12 362(d)(2) because:


13 a. Movant's claim is for insurance proceeds which are not a part of the bankruptcy
14 estate.

15 b. No other party has an interest in the insurance proceeds.

16 **IV. PRAYER FOR RELIEF**

17 WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the
18 automatic stay of Sec 362 of the Bankruptcy Code to permit Movant to proceed under law and for
19 such other and further relief as the Movant may be entitled.

20 DATED: January 3, 2023.

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